

**CALENDAR ITEM
C21**

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08/17/04
W 25974
T. Lipscomb

RECREATIONAL PIER LEASE

APPLICANTS:

Patrick Stephen Tully and Wendy Mae Tully

AREA, LAND TYPE, AND LOCATION:

Tide and submerged lands in the Sacramento River, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Construction, use, and maintenance of a proposed floating boat dock and walkway.

LEASE TERM:

Ten years, beginning August 1, 2004.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$300,000.

Other:

No construction is to commence and no structures or material shall be placed on state lands until all necessary permits are obtained, including permits from the California Regional Water Quality Control Board, the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service and NOAA Final Biological Opinions, if applicable. Lessee to provide Lessor with copies of permits approved by all federal, state, and local agencies having jurisdiction, including a signed copy of the agreement with the California Department of Fish and Game.

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OTHER PERTINENT INFORMATION:

1. Applicants qualify for a Recreational Pier Lease because they are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling.
2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(1).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

3. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

The Reclamation Board.

FURTHER APPROVALS REQUIRED:

California Regional Water Quality Control Board, California Department of Fish and Game, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service and NOAA.

EXHIBITS:

- A. Site Plan
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

September 19, 2004

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RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS, AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(1).

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO PATRICK STEPHEN TULLY AND WENDY MAE TULLY OF A TEN-YEAR RECREATIONAL PIER LEASE, AS CONDITIONED, BEGINNING AUGUST 1, 2004, FOR THE CONSTRUCTION, USE, AND MAINTENANCE OF A NEW BOAT DOCK AND WALKWAY AS REPRESENTED ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$300,000.